

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JAMES BERNARD WRIGHT,

Petitioner,

v.

No. 23-cv-00789-JCH-KRS

ATTORNEY GENERAL FOR THE  
STATE OF NEW MEXICO, BOARD OF  
COUNTY COMMISSIONERS OF  
BERNALILLO COUNTY, FNU JONES,

Respondents.

**ORDER GRANTING LEAVE TO PROCEED *IN FORMA PAUPERIS***

This matter is before the Court on Petitioner James Bernard Wright's Application to Proceed in District Court Without Prepaying Fees or Costs, filed September 14, 2023. (Doc. 2) (the "Motion") and Wright's inmate account statement, filed October 18, 2023 (Doc. 4). The inmate account statement shows that Wright does not have sufficient funds available to prepay the \$5.00 habeas filing fee. (See Doc. 4 at 2). Pursuant to 28 U.S.C. § 1915(b)(4), Wright shall excused from prepaying the filing fee; however, he shall be required to promptly submit the filing fee in full if, in the future, he has \$10.00 or more in his inmate account. *See* 28 U.S.C. § 1915(b)(1) (The Court shall assess and, when funds exist, must collect, the filing fee).

**IT IS THEREFORE HEREBY ORDERED** that: the Motion (**Doc. 2**) is **GRANTED** such that Wright is excused from prepaying the \$5.00 filing fee; however, if the balance in Wright's inmate account is \$10.00 or more, he shall promptly submit \$5.00 filing fee.



UNITED STATES MAGISTRATE JUDGE